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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/082,643

02/25/2002

Willi Kaiser

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(31-HL-6088)

3659

7590 03/12/2007  
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EXAMINER

LE, LINH GIANG

ART UNIT

PAPER NUMBER

3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/082,643	Applicant(s) KAISER ET AL.	
	Examiner Michelle Linh-Giang Le	Art Unit 3626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/7/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Fey (2002/0038227).

4. As per claim 1, Fey teaches a method for determining the presence of a condition of a patient's heart (Fey; Abstract), the method comprising the steps of:

Reading at least one parameter value of a bio-medical signal of a patient (Fey; Pg. 4, para. 49); and

Fey does not expressly teach determining the likelihood of the presence of a condition of a patient's heart based on at least one parameter value, the step of determining including the step of comparing at least one parameter value of the bio-medical signal with all corresponding parameter values stored in a database wherein all corresponding parameter values in the database are collected from a plurality of patients. However, this is well known in the art. Examiner respectfully submits these to be obvious variants of the Fey teachings. IN particular, Fey teaches the aggregate data be used to evaluate medical probabilities (Fey; pg. 3, para. 25). Fey further teaches a summary report that evaluates overall status of many patients (Fey; Pg. 8, para. 93). It would be obvious to add these teachings to the Fey method with the motivation of providing a centralized health screening and data management system in communication with a plurality of facilities (Fey; pg. 3, para. 20)

5. As per claim 2, Fey teaches the method wherein the bio-medical signal comprises an ECG of the patient (Fey; Pg. 4, para. 49).

6. As per claim 3, Fey teaches the method wherein the step of determining includes the step of calculating a comparison result for a condition based on the comparison of at least one parameter value of the patient with the corresponding parameter values stored in the database (Fey; Pg. 8, para. 93 and Fey; pg. 8, para. 93).

7. As per claim 4, Fey teaches the method wherein the step of calculating includes the step of determining whether the comparison value for the condition is TRUE ((Fey; pg. 3, para. 25).

8. As per claim 5, Fey teaches the method wherein the step of determining further includes the step of calculating a probability value representing the likelihood of the presence of a condition based on the comparison results for the condition (Fey; pg. 4, paras. 47 and 49)

9. As per claim 6, Fey teaches the method further comprising the step of entering at least one parameter value of the patient, prior to the reading step (Fey; pg. 4, paras. 48 and 49).

10. As per claim 7, Fey teaches the method wherein at least one parameter value of the patient is entered via a browser (Fey; pg. 3, para. 24).

11. As per claim 8, Fey teaches the method determining the presence of a condition of a patient's heart, the method comprising the steps of:  
Entering at least one parameter value of an ECG of a patient (Fey; pg. 4, paras. 48 and 49);

Fey does not expressly teach comparing at least one parameter value of the ECG of a patient with all corresponding parameter values stored in a database, calculating a comparison result associated with a condition relating to the corresponding parameter values stored in the database, wherein all corresponding parameter values in the database are collected from a plurality of patients; and calculating a probability value representing the likelihood of the presence of a condition based on the comparison result.

However, this is well known in the art. Examiner respectfully submits these to be obvious variants of the Fey teachings. IN particular, Fey teaches the aggregate data be used to evaluate medical probabilities (Fey; pg. 3, para. 25). Fey further teaches a summary report that evaluates overall status of many patients (Fey; Pg. 8, para. 93). It would be obvious to add these teachings to the Fey method with the motivation of providing a centralized health screening and data management system in communication with a plurality of facilities (Fey; pg. 3, para. 20)

12. Claims 9 and 10 repeat the limitations of claim 7 and 4 respectively ad the reasons for rejection are incorporated herein.

13. As per claim 11, Fey teaches the method wherein the step of calculating the probability value includes the step of determining the frequency of occurrence of the condition based on the comparison results (Fey; Pg. 8, para. 93).

14. Claim 12 repeats the limitations of claim 1 and the reasons for rejection are incorporated herein. Fey further teaches using a computer program for performing the method described in claim 1 (Fey; pg. 3, para. 22).

15. Claims 13-16 repeat the limitations of claims 2-5 and the reasons for rejection are incorporated herein.

16. Claim 17 repeats the limitations of claim 1 and the reasons for rejection are incorporated herein. Fey further teaches a system comprising a server and a computer program for performing the method described in claim 1 (Fey; pg. 3, para. 24).

17. Claims 18-22 repeat the limitations of claims 2-5 and the reasons for rejection are incorporated herein.

18. Claims 23-27 repeat the limitations of claims 17-22 and the reasons for rejection are incorporated herein.

### ***Response to Arguments***

19. Applicant's arguments with respect to claim 1-27 have been considered but are moot in view of the new ground(s) of rejection.


**Conclusion**

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LLe

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER